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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R. _____

To amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DUNCAN of South Carolina (for himself, Mr. HASTINGS of Washington, and Mr. SALMON) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Outer Continental
5 Shelf Transboundary Hydrocarbon Agreements Author-
6 ization Act”.

1 **TITLE I—AMENDMENT TO THE**
2 **OUTER CONTINENTAL SHELF**
3 **LANDS ACT**

4 **SEC. 101. AMENDMENT TO THE OUTER CONTINENTAL**
5 **SHELF LANDS ACT.**

6 The Outer Continental Shelf Lands Act (43 U.S.C.
7 1331 et seq.) is amended by adding at the end the fol-
8 lowing:

9 **“SEC. 32. TRANSBOUNDARY HYDROCARBON AGREEMENTS.**

10 “(a) **AUTHORIZATION.**—The Secretary may imple-
11 ment the terms of any transboundary hydrocarbon agree-
12 ment for the management of transboundary hydrocarbon
13 reservoirs entered into by the President and approved by
14 Congress. In implementing such an agreement, the Sec-
15 retary shall protect the interests of the United States to
16 promote domestic job creation and ensure the expeditious
17 and orderly development and conservation of domestic
18 mineral resources in accordance with all applicable United
19 States laws governing the exploration, development, and
20 production of hydrocarbon resources on the outer Conti-
21 nental Shelf.

22 “(b) **SUBMISSION TO CONGRESS.**—

23 “(1) **IN GENERAL.**—No later than 180 days
24 after all parties to a transboundary hydrocarbon
25 agreement have agreed to its terms, a transboundary

1 hydrocarbon agreement that does not constitute a
2 treaty in the judgment of the President shall be sub-
3 mitted by the Secretary to—

4 “(A) the Speaker of the House of Rep-
5 resentatives;

6 “(B) the Majority Leader of the Senate;

7 “(C) the Chair of the Committee on Nat-
8 ural Resources of the House of Representatives;
9 and

10 “(D) the Chair of the Committee on En-
11 ergy and Natural Resources of the Senate.

12 “(2) CONTENTS OF SUBMISSION.—The submis-
13 sion shall include—

14 “(A) any amendments to this Act or other
15 Federal law necessary to implement the agree-
16 ment;

17 “(B) an analysis of the economic impacts
18 such an agreement and any amendments neces-
19 sitated by the agreement will have on domestic
20 exploration, development, and production of hy-
21 drocarbon resources on the outer Continental
22 Shelf; and

23 “(C) a detailed description of any regula-
24 tions expected to be issued by the Secretary to
25 implement the agreement.

1 “(c) IMPLEMENTATION OF SPECIFIC
2 TRANSBOUNDARY AGREEMENTS.—

3 “(1) MEXICO.—The Secretary may take actions
4 as necessary to implement the terms of the Agree-
5 ment between the United States of America and the
6 United Mexican States Concerning Transboundary
7 Hydrocarbon Reservoirs in the Gulf of Mexico,
8 signed at Los Cabos, February 20, 2012, includ-
9 ing—

10 “(A) approving unitization agreements and
11 related agreements for the exploration, develop-
12 ment, or production of oil and natural gas from
13 transboundary reservoirs or geological struc-
14 tures;

15 “(B) making available, in the limited man-
16 ner necessary under the agreement and subject
17 to the protections of confidentiality provided by
18 the agreement, information relating to the ex-
19 ploration, development, and production of oil
20 and natural gas from a transboundary reservoir
21 or geological structure that may otherwise be
22 considered confidential, privileged, or propri-
23 etary information under law;

24 “(C) taking actions consistent with an ex-
25 pert determination under the agreement, pro-

1 vided that the expert determination proceedings
2 were open to the public to the greatest extent
3 practicable; and

4 “(D) ensuring that agents of a foreign gov-
5 ernment may not stop work or interfere with
6 exploration, development, or production activi-
7 ties as approved by the Secretary.

8 “(2) CANADA.—

9 “(3) RUSSIA.—

10 “(4) BAHAMAS.—

11 “(5) BERMUDA.—

12 “(d) EXEMPTION FROM RESOURCES EXTRACTION
13 REPORTING REQUIREMENT.—Actions taken by a public
14 company in accordance with any transboundary hydro-
15 carbon agreement shall not constitute the commercial de-
16 velopment of oil, natural gas, or minerals for purposes of
17 section 13(q) of the Securities Exchange Act of 1934 (157
18 U.S.C. 78m(q)).

19 “(e) SAVINGS PROVISIONS.—Nothing in this section
20 shall be construed—

21 “(1) to authorize the Secretary to participate in
22 any negotiations, conferences, or consultations with
23 Cuba regarding exploration, development, or produc-
24 tion of hydrocarbon resources in the Gulf of Mexico
25 along the United States maritime border with Cuba

1 or the area known by the Department of the Interior
2 as the ‘Eastern Gap’; or

3 “(2) as affecting the sovereign rights and the
4 jurisdiction that the United States has under inter-
5 national law over the outer Continental Shelf which
6 appertains to it.”.

7 **TITLE II—APPROVAL OF**
8 **TRANSBOUNDARY HYDRO-**
9 **CARBON AGREEMENT**

10 **SEC. 201. APPROVAL OF AGREEMENT WITH MEXICO.**

11 The Agreement between the United States of Amer-
12 ica and the United Mexican States Concerning
13 Transboundary Hydrocarbon Reservoirs in the Gulf of
14 Mexico, signed at Los Cabos, February 20, 2012, is here-
15 by approved.